

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION
2008**

COMMITTEE STATEMENT

LB986

Hearing Date: January 31, 2008

Committee On: Natural Resources

Introducer(s): (Preister)

Title: Adopt the Electronics Recycling Act

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

7 Yes	Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Wallman
0 No	
1 Absent	Senator Louden
0 Present, not voting	

Proponents:
Senator Don Preister
Joe Aho

Representing:
Introducer
Waste Management

Carrie Hakenkamp
Ken Winston
Jim Otto
Gary Lund

WasteCap Nebraska
Nebraska Chapter Sierra Club
Nebraska Retail Federation
City of Norfolk
League of Nebraska Municipalities
NESWANA
League of Nebraska Municipalities
CP Recovery

Opponents:
None

Representing:

Neutral:
None

Representing:

Summary of purpose and/or change:

- Section 1 Act cited as Electronics Recycling Act.
- Section 2 Intent language.
- Section 3 Defines: Computer, consumer, department, electronic device, manufacturer, monitor, recycling, retailer, television, and video display device.
- Section 4 (1) Beginning January 31, 2009 each retailer shall provide the department with the name, brand, and label of each manufacturer whose electronic devices are sold by the retailer and the number of each manufacturer's devices sold by the retailer in the previous calendar year.
- (2) Beginning July 1, 2009 no retailer can sell any manufacturer's electronic devices if the manufacturer is not in compliance with the Act.
- (3) Retailers must consult the list posted by the department to determine if the manufacturer is in compliance with the Act.
- Section 5 (1) Beginning January 31, 2009 each manufacturer must register with the department and report the number of electronic devices sold in the state in the previous calendar year.
- (2) A manufacturer or group of manufacturers may submit a plan to the department to collect, transport, and recycle

electronic devices in order to receive a reduction in the registration fee.

- (3) If a manufacturer fails to comply with the approved plan, it shall remit the entire fee.
- (4) If a manufacturer is not in compliance with the act, it may not offer any electronic device for sale.

- Section 6
- (1) A plan shall be reviewed and approved by the department by March 15, 2009. It may be rejected in whole or in part and the department may impose additional requirements as a condition of approval.
 - (2) Beginning March 15 the department shall notify each registrant of its required fee.
 - (4) Beginning April 15 each manufacturer shall remit its registration fee to the department based on the number of electronic devices sold in the previous year as follows:
 - \$1,000 for 500 to 1,000 electronic devices;
 - \$5,000 for over 1,000 to 2,500 electronic devices;
 - \$7,500 for over 2,500 electronic devices.Fifty percent of the required fee is waived if the manufacturer has an approved plan.

- Section 7 The department shall:
- (1) Collect the fees.
 - (2) Maintain a list of all manufacturers in compliance with the Act and publish the list on its web site.
 - (3) The department has other powers as may be necessary and appropriate to exercise its duties under the Act.

Section 8 No manufacturer may charge a fee to a consumer for the collection, transportation or recycling of an electronic device.

Section 9 If a federal e-waste recycling program is adopted to collect, transport and recycle electronic devices that is at least as stringent as this Act, then the Act terminates.

Section 10 The department may adopt rules and regulations for the distribution of grants from fees collected under the Act. The fees are earmarked to award grants for infrastructure development, collection, transportation and recycling of electronic devices. Any unused grant money carries over to the following year.

Section 11 The department may adopt rules and regulations to carry out the other provisions of the Act.

Section 12 This section adds language to current statute Neb. Rev Stat. 81-15,160 concerning the Waste Reduction and Recycling Incentive Fund.

Registration fees remitted to the Fund are earmarked to award grants for infrastructure development, collection, transportation and recycling of electronic devices. Any unused grant money carries over to the following year.

Section 13 Severability clause.

Explanation of amendments, if any:

The Committee Amendment does the following:

Section 1 Creates the Electronics Recycling Act.

Section 2 States the purpose of the act to establish a comprehensive electronic recycling system in Nebraska.

Section 3 Definitional section.

Section 4 Beginning July 1, 2009, no manufacturer may sell an electronic device if it is not in compliance with the Act.

Section 5 (1) A manufacturer must register with the Department of Environmental Quality on or before January 31, 2009 and certify the number of electronic devices sold in the state the previous calendar year;
(2) Beginning January 31, 2010, a manufacturer may certify the number of electronic devices from Nebraska recycled by the manufacturer in the previous calendar year in order to receive a fifty percent reduction in recycling fees.

Section 6 (1) Beginning January 31, 2009 each manufacturer shall remit \$2.00 for each electronic device sold in the state the previous year and the following registration fee:
(a) \$1,000.00 for sale of 500 to 1,000 electronic devices;
(b) \$5,000.00 for sale of more than 1,000 up to 2,500 electronic devices;
(c) \$7,500.00 for sale of more than 2,500 electronic devices.
(2) Beginning January 31, 2010, fifty percent of the recycling fee may be waived if the manufacturer has certified that it has recycled fifty percent of the number of electronic devices sold in

the state in the previous calendar year. The manufacturer may recycle electronic devices from any manufacturer.

- Section 7 Requires the Department of Environmental Quality to collect the fees and exercise all powers necessary and appropriate to carry out the Act.
- Section 8 Prohibits a manufacturer from charging a fee for the collection, transportation, or recycling of an electronic device at the time and place of collection for recycling.
- Section 9 Terminates this Act if federal legislation is adopted which is at least as stringent as the Nebraska Electronics Recycling Act.
- Section 10 Requires the fees collected under the Act, less the cost of administration, to be used only for infrastructure development, collection, transportation and recycling of electronic devices.
- Section 11 Allows the Environmental Quality Council to develop rules and regulations to carry out the provisions of the Act.
- Section 12 Removes obsolete language and allows grants to be awarded from the fees collected under the Electronics Recycling Act.
- Section 13 Severability clause.
- Section 14 Repealer.

Senator LeRoy Loudon, Chairperson